

NOV 16 2006

Serial Number 10/642,892
Calvesio et al.
Examiner Jamisue A. Webb

Attorney Docket RA-5621
Office Action Response – November 16, 2006
Group Art Unit 3629

Remarks

In the Office Action dated 7/17/2006 ("Office Action"), Claims 1-32 were rejected. Claims 1 and 31 were amended in the foregoing amendment, and the remaining Claims remain unchanged. In view of the amendments to the Claims and the arguments set forth below, it is respectfully submitted that all Claims are currently in condition for allowance, and a Notice of Allowance is respectfully requested.

1. Claims 1-22 were rejected under 35 USC §112 as being indefinite for the following reasons:

a.) It is said that the phrase

"at the time of travel, utilizing the automated check-in process to complete the international border crossing without aid of human intervention"

is indefinite because it is unclear how check-in, which is said to occur at the start of a trip, can complete the border crossing at the end of the trip.

For clarification purposes only, this phrase has been amended to:

"at the time of travel, utilizing the automated check-in process to enable crossing of the international border, which may then be completed without aid of human intervention."

This language clarifies that the check-in process enables the border crossing, thereby addressing the Examiner's concern.

b.) The Examiner further states that it is unclear what is being done

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without human intervention, the border crossing or the check-in.

As discussed in reference to section a.) above, the phrase in question has been modified to

“the automated check-in process to enable crossing of the international border, which may then be completed without aid of human intervention.”

It is believed this language clearly sets forth that “without aid of human intervention” is intended to modify the phrase “crossing of the international border” which it immediately follows.

With the foregoing changes, it is believed that Claim 1 satisfies the requirements of 35 USC §112, and it therefore respectfully requested that this rejection be withdrawn.

2. Claims 1-32 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,085,976 to Sehr (hereinafter, “Sehr”). This rejection is respectfully traversed.

Claim 1 has been amended to recite:

“a) prior to the time of travel, allowing an authorized enrollment representative to employ the data processing system to enroll a traveler to utilize an automated check-in process after the authorized enrollment representative verifies that the traveler is eligible to make an International border crossing; and

b) at the time of travel, utilizing the automated check-in process to enable crossing of the international border, which may then be completed without aid of human intervention.”

This describes that a travel representative enrolls a traveler to utilize an automated check-in process. This relates to the aspect of the invention wherein

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the travel representative manually verifies a traveler's identity prior to the time of travel, performs some additional security checks, and then enrolls the traveler to use an automated check-in process that allows the traveler to cross an international border without human intervention. (See, for example, Applicants' Specification page 4 line 14 through page 5 line 22.)

The Examiner states that she is interpreting the authorized enrollment representative to be a government official that issues passports. (Office Action page 3, section 6(a).) Applicants' Representative respectfully disagrees. When a government official issues a passport, they are not enrolling you in any automated check-in process. In fact, many people who are applying for a passport do not even have any booked travel plans for which enrollment would be possible. Moreover, the government official is not enrolling a traveler for any automated check-in process that enables the traveler to cross an international border without aid of human intervention, as is claimed by Claim 1. That government official is only supporting the process whereby the traveler obtains a passport, which must then be produced for human scrutiny at the time of travel.

Further in this regard, nothing in Sehr describes a procedure performed prior to the time of travel whereby an authorized enrollment representative verifies that a traveler is eligible to make an international border crossing, and then enrolls a traveler to utilize an automated check-in process. In fact, as discussed in the response submitted January 16, 2006 ("Prior Response"), Sehr teaches that any pre-travel activities such as obtaining a passenger card and travel rights are performed via automated means such as a vending machine as

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follows:

"Figure 2 illustrates the Travel Center (2) that provides the computerized means for the selection, payment, and issuance of passenger cards; as well as for the storage in the cards of appropriate service entitlements and use rights....Such a center can be, for example, a ticket vending machine that is installed at an airport, a railroad station, or at a travel agency..." (Sehr column 7 lines 25-33, emphasis added.)

This is reiterated as follows:

"The Travel Center facilitates the automated issuance of the passenger cards, including the loading into the card of an electronic ticket or of a permit authorizing the passenger for a specific itinerary..." (Sehr column 7 line 65 – column 8 line 1, emphasis added.)

The user interface module (21) that facilitates the automated issuance of the passenger cards is described in reference to Figure 3, as follows:

"For instance, the user interface lets the passengers select and compile the details of a particular trip, request the issuance of an electronic ticket, pay for the ticket, and load the ticket and appropriate service entitlements or use rights into the passenger card." (Sehr column 9 lines 8-12.)

In view of the foregoing, nothing in Sehr, including any mention of the issuance of passports by the government, teaches or even suggests allowing, prior to the time of travel, an authorized enrollment representative to enroll a traveler to utilize an automated check-in process. For at least this reason, this rejection is improper, and should be withdrawn.

Applicants' Claim 1 further describes:

"at the time of travel, utilizing the automated check-in process to enable crossing of the international border, which may then be completed without aid of human intervention."

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That is, the check-in process enables the international border to be crossed without aid of human intervention. As discussed in the Prior Response, the Sehr process clearly requires some human intervention before an international border crossing will be allowed. For instance, Sehr column 23 lines 21-26 specifically states that the cardholder's identify is verified by a travel representative on the day of travel. (Column 23 lines 20-21.) Sehr further states that in addition to any automated comparisons of travel data stored within the travel card, authorized personnel are also used to verify the card information manually when international travel is involved. (Sehr column 23 lines 31-33.)

Further to the point, Sehr describes the procedure for performing an international border crossing as follows:

"Because this is an international travel, the passenger's passport will be verified as well. The passport will be retrieved from the passenger card and viewed on the control module's display screen. The representative can verify the displayed information as is, or might request additional information to further verify the lawful bearer, for example, the signature of the passenger to be entered via a signature pad." (Sehr column 34 lines 23-30, emphasis added.)

This passage makes clear that on the day of international travel, a representative must manually verify information from the passenger card, and may request additional information.

In regard to this aspect of Applicants' invention, the Examiner makes a first argument that:

- a.) Sehr provides an automatic check-in process.
- b.) A traveler must first utilize this automatic check-in process in order to

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travel, and to complete an international border crossing.

c.) Therefore, use of this automatic check-in process teaches Applicants' invention of an automated process that enables a border crossing. (Office Action page 4, Section 6(b).)

In point c.), above, the Examiner stops short of asserting that the international border crossing may be completed without human intervention. (See Office Action page 4 line 11.) It is unclear whether this is intentional. However, this is the important point: in Sehr, the border crossing cannot be completed without aid of human intervention. This is described as follows:

"Because this is an international travel, the passenger's passport will be verified as well. The passport will be retrieved from the passenger card and viewed on the control module's display screen. The representative can verify the displayed information as is, or might request additional information to further verify the lawful bearer, for example, the signature of the passenger to be entered via a signature pad." (Sehr column 34 lines 23-30, emphasis added.)

Thus, irrespective of whether some type of automated check-in process is employed in Sehr, if an international border crossing is involved, some human intervention is always required.

In contrast to the Sehr mechanism, Applicants' system and method enables an international border crossing to be completed without human intervention if the Applicant is enrolled to use, and uses, the automated check-in process. Applicants' Representative believes that this distinction is clear from

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the language of Claim 1 as previously presented. However, the amended language of Claim 1 is believed to even more clearly describe this aspect, as follows:

“at the time of travel, utilizing the automated check-in process to enable crossing of the international border, which may then be completed without aid of human intervention.”

A reader would clearly understand that the phrase “which may then be completed without aid of human intervention” is describing “crossing of the international border” and not “utilizing”.

For the additional reason that Sehr does not describe any check-in process that enables an international border to be crossed without aid of human intervention, Sehr does not teach, or even suggest, this aspect of the invention.

For completion, the Examiner's comments on page 6 of the Office Action are considered next in regards to this aspect of the invention. In these comments, the Examiner cites the following passage from Sehr:

“The above process of checking-in, tagging the luggage, and issuing a boarding pass by an airline representative can also be accomplished automatically via the card's built-in computerized means, while coupling the card to the passenger station-like apparatus and communicating with the airline's system database” (Sehr column 35 lines 57-59.)

The Examiner states that this passage describes a check-in process that is entirely automated. The Examiner then appears to imply that this passage stands for the proposition that an international border crossing is also completely automated.

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Applicants' Representative does not necessarily agree that the cited passage stands for the proposition that the entire check-in process is automated. Reasons for this are provided in detail in the Prior Response, and are not repeated here for brevity, and because this point is not believed to be critical. What is believed to be more important is that neither this cited passage, nor any other passage in Sehr, describes automated processing that would allow an international border crossing to occur without human intervention. Any discussion of passport verification in Sehr includes human inspection, as was set forth in the passages quoted above.

For at least the foregoing reasons, Sehr does not teach the current invention, and it is respectfully submitted that Claim 1 is allowable over this rejection, which should be withdrawn.

Claims 2 – 22 depend from Claim 1 and are allowable over Sehr for at least reasons that are similar to those that are described above regarding Claim 1. These Claims include other scopes and aspects of the invention not taught by Sehr. For at least the reasons described in regards to Claim 1, these Claims are allowable over the current rejection.

As presented in the Previous Response, independent Claim 23 includes aspects similar to those described above in regards to Claim 1. Specifically, Claim 23 describes:

"a data processing system to allow an authorized enrollment representative, prior to a day of travel, to verify that the traveler is eligible to cross the international border, and to thereafter enroll the traveler to use an automated check-in procedure"

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This automated check-in procedure:

"automatically initiates activities necessary to allow the traveler to cross the international border without human intervention on the day of travel".

For at least the reasons described above in regards to Claim 1, Claim 23 is allowable over this rejection. Nothing in Sehr describes a data processing system to allow an authorized enrollment representative to enroll a traveler to use an automated check-in procedure that allows the traveler to cross an international border without human intervention.

Claim 31 is amended in a manner that is similar to that described in regards to Claim 1. In particular, Claim 31 now describes:

"enrollment means for allowing an authorized travel representative to enroll the traveler in an automated travel process after the enrollment representative manually verifies the traveler is eligible to enter one or more countries"

The automated travel process:

"completes all activities required for entry into any of the one or more countries without the need for human intervention at the time of travel."

For at least the reasons described in reference to Claim 1, Claim 31 is allowable over Sehr.

Claims 24 – 30 depend from Claim 23, and Claim 32 depends from Claim 31. These Claims are likewise allowable over Sehr for at least reasons that are similar to those described above in reference to Claim 1.

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Conclusion

In the Office Action dated 7/17/2006, Claims 1-32 were rejected. Claims 1 and 31 are amended above. In view of the amendments to the Claims and the arguments set forth herein, it is respectfully submitted that all Claims are currently in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner has questions or concerns, a call to the undersigned is encouraged and welcomed.

Respectfully submitted,

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